

10 (Amended) A nucleic acid as claimed in claim 2 which comprises all or part of Seq ID No 3 (RTB1), Seq ID No 4 (RTB2) or Seq ID No 5 (RTB3) or a sequence degeneratively equivalent thereto.

A3 cont  
11 (Amended) A nucleic acid as claimed in claim 9 which comprises the CryIA-RTB combination shown in any one of Seq ID No 6 (CryIA(b)-RTB1); Seq ID No 7 (CryIA(b)-RTB2); Seq ID No 8 (CryIA(b)-RTB3); Seq ID No 9 (CryIA(c)-RTB1); Seq ID No 10 (CryIA(c)-RTB2); or Seq ID No 11 (CryIA(c)-RTB3) or a sequence degeneratively equivalent thereto.

12 (Amended) A nucleic acid as claimed in claim 2 which comprises a nucleotide sequence which is a homologous variant of any of Seq ID Nos 1 to 11.

A  
13 (Amended) A method of producing the nucleic acid of claim 1, which method comprises the step of combining nucleic acid encoding a toxin with a nucleic acid encoding heterologous binding domain, wherein said binding domain is capable of binding non-specifically to a cell membrane without disrupting it.

14 (Amended) A method as claimed in claim 13 wherein the method further comprises the step of modifying the sequence of the toxin or binding domain by way of addition, insertion, deletion or substitution of one or more nucleotides in the nucleic acid.

A4  
16 (Amended) A recombinant vector comprising a nucleic acid as claimed in claim 1.

17 (Amended) A vector as claimed in claim 16 wherein the nucleic acid of claim 1 is operably linked to a promoter.

A5  
19 (Amended) A vector as claimed in claim 16 which is a baculovirus vector or a vector suitable for use in a plant.

A  
20 (Amended) A method for transforming a host cell which method



A DOCPHOENIX

## APPL PARTS

\_\_\_\_\_ IMIS \_\_\_\_\_  
 Internal Misc. Paper  
 \_\_\_\_\_ LET. \_\_\_\_\_  
 Misc. Incoming Letter  
 \_\_\_\_\_ 371P \_\_\_\_\_  
 PCT Papers in a 371 Application  
 \_\_\_\_\_ A... \_\_\_\_\_  
 Amendment Including Elections  
 \_\_\_\_\_ ABST \_\_\_\_\_  
 Abstract  
 \_\_\_\_\_ ADS \_\_\_\_\_  
 Application Data Sheet  
 \_\_\_\_\_ AF/D \_\_\_\_\_  
 Affidavit or Exhibit Received  
 \_\_\_\_\_ APPENDIX \_\_\_\_\_  
 Appendix  
 \_\_\_\_\_ ARTIFACT \_\_\_\_\_  
 Artifact  
 \_\_\_\_\_ BIB \_\_\_\_\_  
 Bib Data Sheet  
 \_\_\_\_\_ CLM \_\_\_\_\_  
 Claim  
 \_\_\_\_\_ COMPUTER \_\_\_\_\_  
 Computer Program Listing  
 \_\_\_\_\_ CRFL \_\_\_\_\_  
 All CRF Papers for Backfile  
 \_\_\_\_\_ DIST \_\_\_\_\_  
 Terminal Disclaimer Filed  
 \_\_\_\_\_ DRW \_\_\_\_\_  
 Drawings  
 \_\_\_\_\_ FOR \_\_\_\_\_  
 Foreign Reference  
 \_\_\_\_\_ FRPR \_\_\_\_\_  
 Foreign Priority Papers  
 \_\_\_\_\_ IDS \_\_\_\_\_  
 IDS Including 1449

\_\_\_\_\_ NPL \_\_\_\_\_  
 Non-Patent Literature  
 \_\_\_\_\_ OATH \_\_\_\_\_  
 Oath or Declaration  
 \_\_\_\_\_ PET. \_\_\_\_\_  
 Petition  
 \_\_\_\_\_ RETMAIL \_\_\_\_\_  
 Mail Returned by USPS  
 \_\_\_\_\_ SEQLIST \_\_\_\_\_  
 Sequence Listing  
 \_\_\_\_\_ SPEC \_\_\_\_\_  
 Specification  
 \_\_\_\_\_ SPEC NO \_\_\_\_\_  
 Specification Not in English  
 \_\_\_\_\_ TRNA \_\_\_\_\_  
 Transmittal New Application

\_\_\_\_\_ CTNF \_\_\_\_\_  
 Count Non-Final  
 \_\_\_\_\_ CTRS \_\_\_\_\_  
 Count Restriction  
 \_\_\_\_\_ EXIN \_\_\_\_\_  
 Examiner Interview  
 \_\_\_\_\_ M903 \_\_\_\_\_  
 DO/EO Acceptance  
 \_\_\_\_\_ M905 \_\_\_\_\_  
 DO/EO Missing Requirement  
 \_\_\_\_\_ NFDR \_\_\_\_\_  
 Formal Drawing Required  
 \_\_\_\_\_ NOA \_\_\_\_\_  
 Notice of Allowance  
 \_\_\_\_\_ PETDEC \_\_\_\_\_  
 Petition Decision

## OUTGOING

\_\_\_\_\_ CTMS \_\_\_\_\_  
 Misc. Office Action  
 \_\_\_\_\_ 1449 \_\_\_\_\_  
 Signed 1449  
 \_\_\_\_\_ 892 \_\_\_\_\_  
 892  
 \_\_\_\_\_ ABN \_\_\_\_\_  
 Abandonment  
 \_\_\_\_\_ APDEC \_\_\_\_\_  
 Board of Appeals Decision  
 \_\_\_\_\_ APEA \_\_\_\_\_  
 Examiner Answer  
 \_\_\_\_\_ CTAV \_\_\_\_\_  
 Count Advisory Action  
 \_\_\_\_\_ CTEQ \_\_\_\_\_  
 Count Ex parte Quayle  
 \_\_\_\_\_ CTFR \_\_\_\_\_  
 Count Final Rejection

## INCOMING

\_\_\_\_\_ AP.B \_\_\_\_\_  
 Appeal Brief  
 \_\_\_\_\_ C.AD \_\_\_\_\_  
 Change of Address  
 \_\_\_\_\_ N/AP \_\_\_\_\_  
 Notice of Appeal  
 \_\_\_\_\_ PA.. \_\_\_\_\_  
 Change in Power of Attorney  
 10-26-01 REM 5  
 Applicant Remarks in Amendment  
 \_\_\_\_\_ XT/ \_\_\_\_\_  
 Extension of Time filed separate

### Internal

\_\_\_\_\_ SRNT \_\_\_\_\_  
 Examiner Search Notes  
 \_\_\_\_\_ CLMPTO \_\_\_\_\_  
 PTO Prepared Complete Claim Set

\_\_\_\_\_ ECBOX \_\_\_\_\_  
 Evidence Copy Box Identification  
 \_\_\_\_\_ WCLM \_\_\_\_\_  
 Claim Worksheet  
 \_\_\_\_\_ WFEE \_\_\_\_\_  
 Fee Worksheet

### File Wrapper

\_\_\_\_\_ FWCLM \_\_\_\_\_  
 File Wrapper Claim  
 \_\_\_\_\_ IIFW \_\_\_\_\_  
 File Wrapper Issue Information  
 \_\_\_\_\_ SRFW \_\_\_\_\_  
 File Wrapper Search Info

BACKFILE DOCUMENT INDEX SHEET

47 A host cell as claimed in claim 46 wherein the monocot is maize or rice.

48 A method as claimed in claim 38 wherein the pest is a species of insect.

49 A method as claimed in claim 48 wherein the species is selected from *Lepidoptera*, *Coleoptera*, *Culicidae*, *Simuliidae*, *Hymenoptera*, *Homoptera*, *Orthoptera* and *Diptera*.

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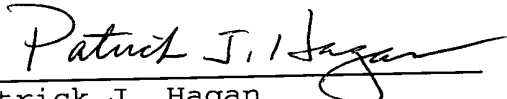
**REMARKS**

The purpose of this Preliminary Amendment is to delete multiple claims dependencies and to add claims directed to preferred embodiments of the invention.

A marked-up version of the present claim amendments is attached hereto.

The foregoing amendments do not introduce new matter into the present application and, therefore, should not be deemed objectionable. Entry of the present amendments is respectfully requested.

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